IN THE
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CIVIL ACTION NO. 79-2282

RICHARD STEPHEN DUNN

v.

NATIONAL RAILROAD PASSENGER CORP.
a/k/a AMTRAK

ORDER

(FILED Nov 25 1981)

AND Now, this 25th day of November, 1981, upon motion of defendant the plaintiff is hereby permanently enjoined from proceeding in the action entitled Richard Stephen Dunn v. National Railroad Passenger Corporation, a/k/a Amtrak filed in the Court of Common Pleas of Philadelphia County, Pennsylvania as of July Term, 1981 No. 2280.

By THE COURT:

ALFRED L. LUONGO, *J.*

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 81-3127

RICHARD STEPHEN DUNN,
Appellant

v.

NATIONAL RAILROAD PASSENGER CORPORATION, a/k/a AMTRAK

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
C. A. No. 79-2282

Submitted Under Third Circuit Rule 12(6)
June 7, 1982

Before: ADAMS and WEIS, *Circuit Judges*, and BLOCH, *District Judge*.*

JUDGMENT ORDER

After considering all contentions raised by appellant, it is

ADJUDGED AND ORDERED that the judgment of the district court be and is hereby affirmed.

Costs taxed against appellant.

By THE COURT,

/s/ ARLIN M. ADAMS
Circuit Judge

ATTEST:
/s/ SALLY MRVOS
Sally Mrvos, *Clerk*

DATED: JUN 17 1982

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* Hon. Alan N. Bloch, United States District Court for the Western District of Pennsylvania, sitting by designation.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 81-3127

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Appellant

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NATIONAL RAILROAD PASSENGER CORPORATION, a/k/a AMTRAK

SUR PETITION FOR REHEARING EN BANC

Present: SEITZ, *Chief Judge*, ALDISERT, ADAMS, GIBBONS, HUNTER, WEIS, HIGGINBOTHAM, SLOVITER and BECKER, *Circuit Judges*, and BLOCH, *District Judge.**

The petition for rehearing filed by Appellant in the above entitled case having been submitted to the judges who participated in the decision of this court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court in banc, the petition for rehearing is denied.

By THE COURT,

/s/ ARLIN M. ADAMS
Circuit Judge

Dated: July 12, 1982

* Honorable Alan N. Bloch, United States District Court for the Western District of Pennsylvania, sitting by designation.

COURT OF COMMON PLEAS

JULY TERM, 1981
No. 2280

RICHARD STEPHEN DUNN

v.

NATIONAL RAILROAD PASSENGER CORP., a/k/a AMTRAK

ORDER

AND Now, this 28th day of October, 1981, upon consideration of defendant's motion for summary judgment and plaintiff's answer thereto, it is hereby ORDERED AND DECREED that the motion for summary judgment is denied.

The denial of the instant motion for summary judgment is without prejudice to defendant's filing a similar motion setting forth *of record* facts showing that the issue of alleged mistake and/or fraud in the settlement of the case in federal court was presented to and ruled upon by the federal court.

By THE COURT:

/s/ BIUNNO, *J.*